THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10140 OF 2006

14.06.2006

Between:

P.Narayana Reddy, S/o.Ram Reddy

And others

… Petitioners

AND

The Joint Collector, Mahaboobnagar District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10140 OF 2006

ORDER:

The petitioners preferred an appeal under Section 90 of A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (the Act, for brevity) before the first respondent against the proceedings of the Revenue Divisional Officer, Mahaboobnagar (RDO), dated 13.5.2001 whereby and whereunder the fourth respondent was issued certificate of ownership under Section 38-E of the Act. The appeal was filed on 04.2.2006 along with an application for stay of operation of the order of the original authority. As no orders are passed and there is a threat of dispossession, the present writ petition is filed.

This Court, while ordering notice before admission, granted *status quo* on 24.5.2006 till the disposal of the appeal preferred by the petitioners.

After hearing the learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General), this Court is not able to agree with the submission that as and when a protected tenant obtained certificate under Section

38-E of the Act, possession can be taken as a matter of course. Sections 32 and 98 of the Act provide detailed procedure to obtain possession by the protected tenant. Therefore, instead of keeping the matter pending, the writ petition is disposed of, directing the first respondent to pass appropriate orders finally, in the appeal filed by the petitioners, within a period of two weeks from the date of receipt of a copy of this order. If there is any eminent threat of dispossession, it is open to the petitioners to obtain appropriate orders from the Joint Collector, Mahaboobnagar.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(**V.V.S.RAO, J**)

June 14, 2006

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